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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,165	11/26/2003	Yasuhiko Uchida	ITECP006	8300
25920 7590 10/08/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER RUDOLPH, VINCENT M				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
10/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,165

**Applicant(s)**

UCHIDA ET AL.

**Examiner**

Vincent Rudolph

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7, 9-21, 24-26, 35-39, 42-54 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-21, 24-26, 35-39, 42-54 and 57-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9-11, 35-39 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo ('194).

Regarding claim 1, Lobiondo ('194) discloses a print job creation apparatus (workstation, **See Figure 1, Element 30**) that creates a print job and gives an instruction of executing the created print job (forms a document and creates a print request to output the selected document using the print service, See Col. 3, Line 56-63), which includes a print job creation module (user interface, **See Figure 2, Element 40**) that selects one print service among multiple print services (type of data to be printed, **See Col. 3, Line 60-63**) and creates a print job according to a predetermined process of multiple steps that includes setting the printing conditions such as a paper size (request a print job that includes setting the sizing criteria, **See Col. 3, Line 54-56**), a default device setting module (input means included within the workstation, such as a touch screen of the user interface, **See Col. 3, Line 33-36**) that selects a printing device for execution of a print job from among multiple printing devices connected through the network and setting the selected printing device to a default printing device (user selects a designated location from multiple printers, **See Figure 1**, for outputting the print data,

**See Col. 5, Line 17-18)** and specifies a paper type used in the set default printing device for each print service and each paper size specified in the print job before the paper size is specified in the print job (the designated location is chosen by the information related to the printer, such as its speed, document size, etc., **See Col. 4, Line 2-3**), an execution device setting module (input means included within the workstation, such as a keyboard, **See Col. 3, Line 54-56**) that specifies and changes a printing device for execution of a print job from the default printing device set by the default device setting module (if determined that the default printer is unable to complete the print job, the user selects and changes to another printer that is able to complete the print job, **See Col. 5, Line 27-31**), and a job execution instruction module (printshop scheduler that is located in the workstation, **See Col. 3, Line 41-44**) that receives an execution request of a selected print job after a paper size is specified in the print job (print job with specified information, such as sizing criteria, **See Col. 3, Line 54-60**), and gives a print job execution instruction, when the execution device setting module does not specify any printing device for execution of the selected print job (an alternative printer is not needed to complete the print job as specified, **See Col. 5, Line 23-28**, since the default is able to complete it, **See Col. 5, Line 19-21**) to cause the default printing device and paper type set by the default device setting module to execute the selected print job, based on a print service selected to create the print job and a paper size specified in the selected print job (the scheduler allocates the job to the selected printer, **See Col. 5, Line 18-21**, based on the criteria entered for the print job, **See Col. 3, Line 54-56**).

Regarding claim 2, Lobiondo ('194) discloses that the default device setting module sets a printing device connecting with the local network, which the print job creation apparatus is connected, as the default printing device (selects a printer connected over the local area network, **See Col. 3, Line 23-25**).

Regarding claim 3, Lobiondo ('194) discloses that the default device setting module specifies a printer driver of a printing device to set the default printing device (a printer file for information relating to each printer, **See Col. 3, Line 68-Col. 4, Line 2**).

Regarding claim 4, Lobiondo ('194) discloses that the default device setting module sets the default printing device and the paper type for each print service and each paper size in a tabular form (sets the printer based off the paper size and type in a database, **See Col. 4, Line 68-Col. 4, Line 3**).

Regarding claim 5, Lobiondo ('194) discloses that the default device setting module selects the default printing device and the paper type for each print service and each paper size out of a list of printing device options for the print service and the paper size (user selects an alternative printer from all the printers, **See Figure 1**, that is able to complete the print job is needed, **See Col. 5, Line 27-28**).

Regarding claim 7, Lobiondo ('194) discloses a job transmission module (included within the workstation) that sends a print job to another print job creation apparatus connected to the network (sends the print job to another workstation that includes a printer, **See Figure 2**, if the default printing device cannot complete the job as requested, **See Col. 5, Line 23-28**), and a job fetch module (included within the

workstation) that fetches a print job through the network (receives the print job via the network, **See Col. 5, Line 20-21**).

Regarding claim 9, Lobiondo ('194) discloses that the multiple print services include an album printing service (an album for printing graphics using a selected printer, **See Col. 4, Line 48-50**).

Regarding claim 10, Lobiondo ('194) discloses that the job execution instruction module gives the print job execution instruction whenever the execution device setting module specifies a printing device for the execution of the selected print job, which causes the specified printing device to execute the selected print job (the print job is allocated to the alternate printer whenever the default is unable to output the print data, **See Col. 5, Line 23-31**).

Regarding claim 11, Lobiondo ('194) discloses that the execution device setting module sets a printing device that is set corresponding to a print service selected to create the print job and a paper size specified in the selected print job by the default device setting module, to a default and changes the setting of the default to specify a printing device for execution of the print job (once the user utilizes a different printer to have the print data allocated, it becomes the default printer for the selected job, **See Col. 5, Line 27-31**).

Regarding claims 35-39 and 42-44, the rationale provided in the rejection of claims 1-5, 7 and 9-11 is incorporated herein. In addition, the apparatus of claims 1-5, 7 and 9-11 corresponds to the method of claims 35-39 and 42-44 and performs the steps disclosed herein.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-21, 24-26, 45-54 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobiondo ('194) in view of Machida ('564).

Regarding claim 12, Lobiondo ('194) discloses a print job creation apparatus (workstation, **See Figure 1, Element 30**) that creates a print job and gives an instruction of executing the created print job (forms a document and creates a print request to output the selected document using the print service, **See Col. 3, Line 56-63**), which includes a print job creation module (user interface, **See Figure 2, Element 40**) that selects one print service among multiple print services (type of data to be printed, **See Col. 3, Line 60-63**) and creates a print job according to a predetermined process of multiple steps that includes setting the printing conditions such as a paper size (request a print job that includes setting the sizing criteria, **See Col. 3, Line 54-56**), a default device setting module (input means included within the workstation, such as a touch screen of the user interface, **See Col. 3, Line 33-36**) that selects a printing device for execution of a print job from among multiple printing devices, including at least one second local printing device connected via a second local network (connected to multiple printers, **See Figure 1, Element 10**, via a LAN communication link, **See Col. 3, Line 23-26**), connected through the network and setting the selected printing device to

a default printing device (user selects a designated location for outputting the print data, **See Col. 5, Line 17-18**) and specifies a paper type used in the set default printing device for each print service and each paper size specified in the print job before the paper size is specified in the print job (the designated location is chosen by the information related to the printer, such as its speed, document size, etc., **See Col. 4, Line 2-3**), an execution device setting module (input means included within the workstation, such as a keyboard, **See Col. 3, Line 54-56**) that specifies and changes a printing device for execution of a print job from the default printing device set by the default device setting module (if determined that the default printer is unable to complete the print job, the user selects and changes to another printer that is able to complete the print job, **See Col. 5, Line 27-31**), and a job execution instruction module (printshop scheduler that is located in the workstation, **See Col. 3, Line 41-44**) that receives an execution request of a selected print job after a paper size is specified in the print job (print job with specified information, such as sizing criteria, **See Col. 3, Line 54-60**), and gives a print job execution instruction, when the execution device setting module does not specify any printing device for execution of the selected print job (an alternative printer is not needed to complete the print job as specified, **See Col. 5, Line 23-28**, since the default is able to complete it, **See Col. 5, Line 19-21**) to cause the default printing device and paper type set by the default device setting module to execute the selected print job, based on a print service selected to create the print job and a paper size specified in the selected print job (the scheduler allocates the job to



the selected printer, **See Col. 5, Line 18-21**, based on the criteria entered for the print job, **See Col. 3, Line 54-56**).

Lobiondo ('194) does not disclose having a printing device connected through a first local network.

Machida ('564) discloses having a printer (**See Figure 1, Element 18**) connected locally to a client computer (**See Figure 1**), wherein the client computer is also able to communicate with other printers (**See Figure 6**) over the global network (connected to a LAN using the communication port, **See Figure 1; Col. 4, Line 13-27**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a printer connected locally, such as the one disclosed within Machida ('564), and incorporate it into the apparatus of Lobiondo ('194) because it allows the user to have a default printer in order to output the data in the event that the client computer is unable to connect and transfer the print data to any other device over the network.

Regarding claim 13, Lobiondo ('194) discloses that the print execution instruction device, which gives a print job execution instruction to the second local printing device (allocates the data to the default printer, **See Col. 5, Line 20-21**), is connected to the second local network (**See Figure 1**), and the job execution instruction module outputs the selected print job, which is to be transmitted to the print execution instruction device, whenever the second local printing device (network printer) is set to the default printing device for executing of the selected print job (transmits the selected print job over the network, **See Figure 1**, to the default printer, **See Col. 5, Line 20-21**).

Regarding claim 14, Lobiondo ('194) discloses that the job execution instruction module outputs execution request information regarding the execution request of the selected print job, along with the selected print job that is to be transmitted to the print execution instruction device (the user sends the print data together with the needed criteria in order to have the print data outputted correctly, **See Col. 3, Line 56-60**).

Regarding claim 15, Lobiondo ('194) discloses that the job execution instruction module sends the selected print job, which it to be transmitted to the print execution instruction device (scheduler), to a print management server (print server, **See Figure 1, Element 60**) that is connected with the global network (**See Figure 1**) and is capable of delivering the selected print job to the print execution instruction device (once the job is received in the server, **See Col. 3, Line 56-58**, the scheduler is then able to have the print data allocated to the default printer, **See Col. 5, Line 20-21**).

Regarding claim 16, Lobiondo ('194) discloses that the default device setting module uses apparatus-related information regarding the second local printing device and the print execution instruction device when the second local printing device is set to the default printing device (a database includes information relating to the printing device, **See Col. 3, Line 68-Col. 4, Line 3**).

Lobiondo ('194) does not disclose using execution-related information regarding execution of a print job by the first local printing device whenever the first local printing device is set to the default printing device.

Machida ('564) discloses using execution-related information regarding execution of a print job for the local printing device whenever it is the selected printing device

(user uses the local printer to output the selected data, **See Figure 1; Col. 4, Line 47-49**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include execute information to a printer connected locally, such as the one disclosed within Machida ('564), and incorporate it into the apparatus of Lobiondo ('194) because it allows the user to have a default printer locally in order to output the data in the event that the client computer is unable to connect and transfer the print data to any other print device over the network.

Regarding claim 17, Lobiondo ('194) discloses that the default device setting module uses a printer driver (a printer file for information relating to each printer, **See Col. 3, Line 68-Col. 4, Line 2**).

Lobiondo ('194) does not disclose having a first local printing device connected through a first local network.

Machida ('564) discloses having a printer (**See Figure 1, Element 18**) connected locally to a client computer (**See Figure 1**) to output data to the printer (**See Col. 4, Line 47-49**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a printer connected locally, such as the one disclosed within Machida ('564), and incorporate it into the apparatus of Lobiondo ('194) because it allows the user to setup as well as output data to a local printer in the event that the client computer is unable to connect and transfer the print data to any other print device over the network.

Regarding claim 18, Lobiondo ('194) discloses a job fetch module (included within the workstation) that fetches a print job through the network (receives the print job via the network, **See Col. 5, Line 20-21**), such that the job execution instruction module gives a print job execution instruction to execute the fetched print job (allocated to the printer to output as well as informs the user when it is expected to completed by, **See Col. 5, Line 20-23**).

Hitaka (US Pub. # 20020095352) does not disclose fetching the print job through a first local network.

Machida ('564) discloses having a printer (**See Figure 1, Element 18**) connected locally to a client computer (**See Figure 1**) to output data to the printer (**See Col. 4, Line 47-49**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a printer connected locally, such as the one disclosed within Machida ('564), and incorporate it into the apparatus of Lobiondo ('194) because it allows the user to setup as well as output data to a local printer in the event that the client computer is unable to connect and transfer the print data to any other print device over the network.

Regarding claim 19, Lobiondo ('194) discloses that the job fetch module fetches the print job through the global network (LAN, **See Figure 1**).

Regarding claims 20-21, 24-26, 45-54 and 57-59, the rationale provided in the rejection of claims 2-5 and 9-19 are incorporated herein. In addition, the apparatus of

claims 2-5 and 9-19 corresponds to the apparatus of claims 20-21 and 24-26 as well as the method of claims 45-54 and 57-59 and performs the steps disclosed herein.

### ***Response to Arguments***

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new grounds of rejection. Thus, the prior art of Lobiondo is used as well as is used in combination with Machida and together both do meet the limitations of amended claims as disclosed within the rejection above.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-

8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph  
Examiner  
Art Unit 2625

/Vincent Rudolph/  
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